

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

KEVIN JACKSON,

Plaintiff,

v.

C-1-01-756

SOY SOK, et al.,

Defendants.

**ORDER**

This matter is before the Court upon plaintiff's motion to dismiss defendant insurance companies Ohio Casualty Group, West American Insurance Co., St Paul Fire and Marine Insurance Company, and USF&G Insurance Company from the case pursuant to Fed. R. Civ. P. 41(a)(2) (doc. 31). Defendants do not oppose plaintiff's motion.

It appears that plaintiff mistakenly included defendants USF&G and St. Paul Fire and Marine Insurance in the motion since these defendants were dismissed from the lawsuit by Order dated September 10, 2002 (doc. 15). Fidelity and Guaranty Insurance Underwriters, Inc., which is still a party to the lawsuit, is not named in plaintiff's motion, but it is apparent from the motion that plaintiff seeks to dismiss his claims against all of the insurance companies, including this defendant. Accordingly, the Court will construe plaintiff's motion as a motion seeking to dismiss the claims against each of the insurance companies remaining in the case.

Plaintiff's motion to dismiss the claims against the defendant insurance companies is **GRANTED**. The claims against Ohio Casualty Group, West American Insurance Co., and Fidelity and Guaranty Insurance Underwriters, Inc. are **DISMISSED** without prejudice, and those defendants are **DISMISSED** from the lawsuit. Plaintiff is cautioned that if he reinstitutes this lawsuit against any of these defendants, the Court may order plaintiff to pay the costs of this action pursuant to Fed. R. Civ. P. 41(d).

Plaintiff states in his motion that he intends to file a motion for default judgment against the tortfeasor, Soy Sok. Plaintiff shall have **fifteen days** from the date of this Order to file that motion.

**IT IS SO ORDERED.**

S/ Herman J. Weber  
HERMAN J. WEBER, SENIOR JUDGE  
UNITED STATES DISTRICT COURT

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